



**Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals**

Matthew Zuker, Chairman
James S. DeCelle, Vice Chairman
Craig W. Hiltz., Clerk
Mary Jane Coffey, Member
Susanne Murphy, Member
Timothy C. Foley, Associate Member

August 25, 2016

DECISION – BOARD OF APPEALS CASE NO. 13-16

APPLICANT:
Derek & Coreen Jackson

LOCATION OF PROPERTY INVOLVED:

38 Benny Street and shown on the Assessors' Map as Lot 301, Zoning District Residential B.

APPLICATION FOR:

A Variance from Section 6-C-11 of the Zoning Bylaws to allow a farmer's porch roof eave projection 2'3" total into the front setback 3.8'.

On August 17, 2016 a Public Hearing was held in the Main Meeting Room of Town Hall for the purpose of receiving information and voting upon a decision as to the granting of a **Variance** to Derek and Coreen Jackson, 38 Benny Street.

The following members were present and voting:

Matthew Zuker, Chairman
Craig Hiltz, Clerk
Mary Jane Coffey, Member
Susanne Murphy, Member
Timothy Foley, Associate Member

The following member was not present:

James DeCelle, Vice Chairman

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TOWN CLERK

A motion was made by Craig Hiltz and seconded by Timothy Foley to amend the application for a farmer's porch as requested by Derek and Coreen Jackson to an appeal of the Zoning Enforcement Officer's determination that their application does not comply with Section 6-C-11 of the Zoning Bylaw. The vote was **5-0-0 in favor** (Zuker, Hiltz, Coffey, Murphy and Foley voting).

A motion was made by Craig Hiltz and seconded by Matthew Zuker to grant an appeal from a decision made by the Zoning Enforcement Officer as the plans reviewed by the Board are in conformity with Section 6.C-11 of the Zoning Bylaw. The vote was **5-0-0 in favor** (Zuker, Hiltz, Coffey, Murphy and Foley voting).

A motion was made by Craig Hiltz and seconded by Matthew Zuker to allow the applicant to withdraw their application for a **Variance** without prejudice as requested. The vote was **5-0-0 in favor** (Zuker, Hiltz, Coffey, Murphy and Foley voting).

REASONS FOR DECISION

It is the finding of the Board that the Applicant was able to meet the requirements of Section 6-C.11 of the Zoning Bylaw as the stairs and the farmer's porch are uncovered, the eave including the drip edge does not encroach more than 48" into the setback. The board feels unanimously this is a matter of right.

The Board finds that the resulting farmer's porch is in character with, and follows the intent of, the Residence B District.

CONSISTENCY

This decision is consistent with the purpose and intent of the Zoning Bylaws.

The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.

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MASSACHUSETTS GENERAL LAWS c. 40A, s. 15 PROVIDES THAT APPEALS FROM A DECISION OF A BOARD OF APPEALS SHALL BE MADE PURSUANT TO SECTION 17 OF c 40A AND SHALL BE FILED WITHIN TWENTY DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.

WALPOLE ZONING BOARD OF APPEALS


Craig Hiltz, Clerk

CWH/k:16-25

cc: Town Clerk Engineering Planning Board
 Board of Selectmen Building Inspector Conservation Commission

This decision was made on August 17, 2016 and filed with the Town Clerk on August 25, 2016.